

**IMPLEMENTING ARRANGEMENT TO THE AGREEMENT ON SCIENTIFIC
AND TECHNOLOGICAL COOPERATION BETWEEN THE GOVERNMENT
OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE
FEDERATIVE REPUBLIC OF BRAZIL**

The Government of the United States of America

and

Terminated

the Government of the Federative Repu
(hereinafter referred to as the "Parties"),

Realizing the importance of working together to address common health problems and public health issues of mutual concern, and

Recognizing the existence of broad, bilateral interests in the promotion of health and prevention, control, and treatment of diseases, and

Desiring to foster greater understanding and to strengthen future public health relationships between the two countries, and where appropriate with other countries, and

Intending to strengthen existing linkages between the public health and scientific communities in both countries, and where appropriate with other countries,

Have agreed as follows:

ARTICLE I

Purpose of Cooperation

1. The purpose of this Implementing Arrangement is to enhance and strengthen cooperative efforts in the field of public health and science in accordance with the following general principles:

a) This Implementing Arrangement provides a framework to encourage bilateral cooperation in addressing issues and problems of importance for both countries.

b) Cooperation under this Implementing Arrangement is intended to support and strengthen relationships currently established in the field of public health and science between institutions and/or individuals of the United States of America and Brazil, and would in no way limit such relationships. Rather, the Parties will work to identify areas for mutually beneficial joint efforts and to promote cooperation through a coordinated approach.

c) Joint activities, where possible, should be coordinated with, or be supportive of, the activities and goals of international health bodies, including the World Health Organization and the Pan American Health Organization.

ARTICLE II

Implementing Authorities

1. This Implementing Arrangement is subject to and governed by the Agreement between the United States of America and the Federative Republic of Brazil relating to Cooperation in Science and Technology which was signed on February 6, 1984, and which was renewed by the Agreement to Amend and Extend the Agreement between the United States of America and the Federative Republic of Brazil relating to Cooperation in Science and Technology, signed on March 21, 1994, ("the Agreement"). The Parties have agreed to conclude the following Implementing Arrangement in the field of health.

2. The Implementing Authorities of the Implementing Arrangement are, for the United States of America the Department of Health and Human Services and for the Federative Republic of Brazil, the Ministry of Health.

ARTICLE III

Areas of Cooperation

1. The Implementing Authorities expect to strengthen cooperation across a broad range of mutual interests. Efforts are intended to be directed at fostering collaboration where areas of mutual interest exist, including but not limited to:

a) planning of health and human manpower and services at various levels, emphasizing organizational models of delivery systems;

b) health and human services research, including evaluation and assessment of health services, health care technologies and delivery systems, health economics, financing of health services, health care cost containment, and long-term care services, including non-institutional alternatives;

c) health information systems, including statistical methodologies and information exchange;

d) health related areas including regulated products, specifically foods (including dietary supplements), drugs (including biologics), cosmetics, medical devices, radiation-emitting electronic products and related products;

e) other public health areas, including, but not limited to, epidemiology, environmental health, occupational health, maternal and child health, aging, nutrition, and disease prevention and health promotion as well as special issues such as HIV/AIDS and cancer;

f) biomedical research;

g) health-related concerns of women and special populations such as migrants, older persons, persons with disabilities, adolescents and children and other vulnerable populations;

h) control of communicable diseases, noncommunicable diseases and injuries, as well as of other health problems; and

i) additional areas may be identified from time-to-time by mutual agreement of the Implementing Authorities.

2. It is not expected that products of commercial value will be generated by activities undertaken pursuant to this Implementing Arrangement. If, during the development of an activity, products of commercial value are generated, the conditions set forth in the Agreement will apply.

ARTICLE IV

Methods of Cooperation

In accordance with the national laws of each country and the Agreement, cooperation under this Implementing Arrangement may consist of exchanges of technical information; visits of professional specialists; cooperative research, including biomedical and health services research; training activities; forums such as seminars, workshops, symposia, and conferences; and other forms of cooperation to be agreed upon, consistent with the missions and ongoing programs of the Implementing Authorities.

ARTICLE V

Technology Transfer

The Parties agree that no information or equipment requiring protection in the interests of national defense or foreign relations of either country, and so classified in accordance with the applicable national laws and regulations will be provided by one party to the other under this Implementing Arrangement. In the event that information or equipment that is known or believed to require such protection is identified in the course of cooperative activities undertaken pursuant to this Implementing Arrangement, it will be brought immediately to the attention of the appropriate officials and the Implementing Authorities will consult to identify appropriate security measures to be agreed upon by them.

2. The transfer of unclassified export-controlled information or equipment between the Implementing Authorities will be in accordance with the relevant laws and regulations of each Country. If the Implementing Authorities deem it necessary, a detailed provision for the prevention of unauthorized transfer or retransfer of such information or equipment will be undertaken.

3. Export-controlled information will be marked to identify it as export-controlled, and restrictions on their use and transfer will be identified.

ARTICLE VI

Financing and Legal Considerations

1. All activities undertaken pursuant to this Implementing Arrangement are subject to the national laws and regulations of each party, including the availability of appropriated or other funding sources.

2. Each Implementing Authority responsible for cooperative activities pursuant to the Implementing Arrangement will be responsible for the costs of its own participation, subject to the availability of financial resources and the legislation of each Party, except in the case of a written agreement setting forth other conditions. Expenses related to activities set forth in this Arrangement will be met pursuant to the terms to be defined by the cooperating institutions for each project, using available resources.

ARTICLE VII

Relationship to Other Agreements

Nothing in this Implementing Arrangement affects the rights and obligations of the parties under existing bilateral and multilateral agreements.

ARTICLE VIII

Information and Publication

All scientific and technological information arising out of the cooperation established under the terms of this Implementing Arrangement may be published or made available as defined in the Agreement after consultation between the Implementing Authorities about the substance of the material to be published.

ARTICLE IX

Specific Arrangements

Whenever deemed necessary, issues of patenting, industrial design, trade secrets, author rights and any other type of property that may result from the activities to be implemented under the terms of this Implementing Arrangement will be determined as provided for in the Intellectual Property Annex, in particular, Section II (b), Article 2(a) of the Agreement.

ARTICLE X

Protection of Human Subjects and Laboratory Animals

1. To protect human subjects involved in research, before any project involving human subjects is initiated, the Implementing Authorities will be responsible for promoting compliance with international guidance, recognized as such by both countries, such as the World Medical Association Declaration of

1964 (as amended in 1975, 1983 and 1989). The Implementing Authorities will be responsible for ensuring that any project or activity carried out pursuant to this Implementing Arrangement and involving human subjects is in compliance with applicable laws and regulations of the Parties.

2. To protect the welfare of laboratory animals and endangered species, the Implementing Authorities will be responsible for promoting compliance of the projects with appropriate international guiding principles for biomedical research involving animals. The Implementing Authorities will be responsible for ensuring that any project or activity involving animals carried out pursuant to this Implementing Arrangement is in compliance with applicable laws and regulations of the Parties applicable to the use of laboratory animals.

ARTICLE XI

Entry into Force, Termination, and Amendment

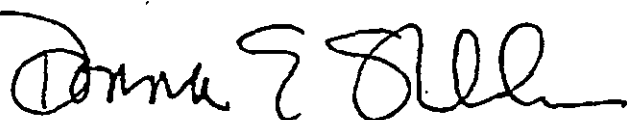
1. This Implementing Arrangement shall enter into force upon the signature by both Parties, and shall remain in force for five years.

2. It may be extended and amended by mutual written agreement through an exchange of diplomatic notes. This Implementing Arrangement may be terminated at any time by either Party upon ninety (90) days written notice to the other Party, through diplomatic note.

3. In the event of termination of this Implementing Arrangement, the validity or duration of ongoing activities will not be affected.

4. In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Implementing Arrangement.

Done at Geneva, in duplicate, this 12th day of May, 1998, in the English and Portuguese languages, both texts being equally authentic.



FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
FEDERATIVE REPUBLIC OF BRAZIL: